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CLERK US DISTRICT COURT DISTRICT OF NEVADA	
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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID YODER,

Defendant.

2:13-CR-368-JAD-VCF

Preliminary Order of Forfeiture

This Court finds David Yoder pled guilty to Counts One and Five of a Five-Count Superseding Criminal Indictment charging him in Count One with child exploitation enterprise in violation of 18 U.S.C. § 2252A(g) and in Count Five with conspiracy to distribute child pornography in violation of 18 U.S.C. § 2252A(a)(3). Superseding Criminal Indictment, ECF No. 14; Change of Plea, ECF No. __; Plea Agreement, ECF No. __.

This Court finds David Yoder agreed to the forfeiture of the property set forth in the Plea Agreement, the Bill of Particulars, and the Forfeiture Allegations of the Superseding Criminal Indictment. Superseding Criminal Indictment, ECF No. 14; Bill of Particulars, ECF No. 34; Change of Plea, ECF No. __; Plea Agreement, ECF No. __.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement, the Bill of Particulars, and the Forfeiture Allegations of the Superseding Criminal Indictment and the offenses to which David Yoder pled guilty.

The following property is (1) any visual depiction described in 18 U.S.C. § 2252A, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation

1 of 18 U.S.C. § 2252A(g) and 2252A(a)(3); (2) any property, real or personal, constituting or
2 traceable to gross profits or other proceeds obtained from a violation of 18 U.S.C. §
3 2252A(g) and 2252A(a)(3); and (3) any property, real or personal, used or intended to be
4 used to commit or to promote the commission of 18 U.S.C. § 2252A(g) and 2252A(a)(3) or
5 any property traceable to such property, and is subject to forfeiture pursuant to 18 U.S.C. §
6 2253(a)(1) and 2253(a)(3):

- 7 1. Dell computer tower, Model No. Vostro 400, Serial No. D2CXRF1, containing a
8 Seagate 1 TB SATA hard drive, Model No. ST1000DM003, Serial No. SID0MRJQ;
- 9 2. Hitachi 2TB external hard drive, Model No. HT0LDNB20001BBB, Serial No.
10 F31G2NXD;
- 11 3. Western Digital 1TB hard drive, Model No. WD10EADS, Serial
12 No.WCAV5M930266.
- 13 4. San Disk Card Reader;
- 14 5. San Disk 16GB Compact Flash Card;
- 15 6. Panasonic Video Camera, Model No. SDR-H85P, Serial No. J01A18002;
- 16 7. 2 micro video cassettes;
- 17 8. Proof of residence documents;
- 18 9. Compaq Presario laptop computer, Model No. CQ57, Serial No. 5CB2174R1P,
19 containing a Seagate 320GB SATA hard drive, Model No. ST9320325AS, Serial No.
20 6VDFR10V;
- 21 10. Canon Mark II digital camera, Serial No. 4252102526;
- 22 11. Emachines desktop computer, Model No. EL1850, Serial No.
23 PTNBK02012040038589600, containing a 500GB SATA hard drive, Model No.
24 HDS721050CLA362, Serial No. HE1BIMMT;
- 25 12. Gateway desktop computer, Model No. DX4860-UB33P, Serial No.
26 PTGCPP200420400EF66300, containing a Western Digital 1TB SATA hard drive,
27 Model No. WD10EARX, Serial No.WMC0T0032462;

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13. Compaq Presario desktop computer, Model No. SR5034X, Serial No. MXX71406PP, containing a Samsung 160GB SATA hard drive, Model No. HD160JJ/P, Serial No. S0DFJ1GP107611;
14. Apple iPhone 4S, Model No. A1387, Serial No. CBPH20MGDTDW, IMEI No. 99000110136386, containing a Sprint mini SIM card. No. 8901010008831126638F;
15. 100 CDs and DVDs;
16. 13 CDs and DVDs;
17. Hitachi DVD Cam, Serial No. 50320241;
18. Sony Digital Camera, Model No. MVC-FD100, Serial No. 500023 containing a 3.5 inch floppy diskette with 128MB of memory;
19. Kodak digital camera, Model No. Easyshare Z710, Serial No. KCXGG64336528;
20. Kodak digital camera, Model No. Z981, Serial No. KVYMN02061276;
21. Black HP laptop model, G6-2237US, Serial No. 5CD2490UMC;
22. Toshiba Satellite C655D-S5209 laptop, Serial No. 7B231863Q;
23. Toshiba Satellite C55D-A5304 laptop, Serial No. YD280824Q;
24. Black Seagate Expansion Desktop Drive, P/N 1D7AP3-500, Serial No. NA4K688Y;
25. Apple iPhone in black case, model number A1332;
26. Apple iPhone without a case, model number A1387;
27. Black Samsung cellular flip phone, model SPH-M270;
28. Black digital Canon EOS camera, Serial No. 3211600699, Model DS126201;
29. Cannon Rebel XSi camera, model number DS126181, Serial No. 0670215963, containing 2 GB SD card;
30. Nikon D700 digital camera, Serial No. 3114091, containing 2 SD cards, (1) 8 GB, (1) 16 GB;
31. Apple iPhone 4, FCC ID: BCG-E2422A;
32. Apple iPhone 4S, FCC ID: BCG-E2430A;
33. A Toshiba External Drive, Serial No. 23EAPV0ZTRE8
34. HP Pavilion Computer, Serial No. 5CD249WMC;

1 35. Kodak 2GB SD card;
2 36. PNY 16GB SD card;
3 37. 2 SanDisk 8GB Compact Flash cards
4 38. SanDisk 8GB SD card; and
5 39. iPhone, FCC ID: BCG-E23808
6 (all of which constitutes property).

7 This Court finds that the United States of America may amend this order at any time
8 to add subsequently located property or substitute property to the forfeiture order pursuant
9 to Fed. R. Crim. P. 32.2(b)(2)(C) and 32.2(e).

10 This Court finds the United States of America is now entitled to, and should, reduce
11 the aforementioned property to the possession of the United States of America.

12 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
13 DECREED that the United States of America should seize the aforementioned property.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory
15 rights, ownership rights, and all rights, titles, and interests of David Yoder in the
16 aforementioned property are forfeited and are vested in the United States of America and
17 shall be safely held by the United States of America until further order of the Court.

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States
19 of America shall publish for at least thirty (30) consecutive days on the official internet
20 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall
21 describe the forfeited property, state the time under the applicable statute when a petition
22 contesting the forfeiture must be filed, and state the name and contact information for the
23 government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6)
24 and 21 U.S.C. § 853(n)(2).

25 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
26 or entity who claims an interest in the aforementioned property must file a petition for a
27 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which
28 petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C. §

1 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's
2 right, title, or interest in the forfeited property and any additional facts supporting the
3 petitioner's petition and the relief sought.

4 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
5 must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas,
6 Nevada 89101, no later than thirty (30) days after the notice is sent or, if direct notice was
7 not sent, no later than sixty (60) days after the first day of the publication on the official
8 internet government forfeiture site, www.forfeiture.gov.

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
10 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
11 Attorney's Office at the following address at the time of filing:

12 Daniel D. Hollingsworth
13 Assistant United States Attorney
14 James A. Blum
15 Assistant United States Attorney
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101.

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
17 described herein need not be published in the event a Declaration of Forfeiture is issued by
18 the appropriate agency following publication of notice of seizure and intent to
19 administratively forfeit the above-described property.

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
21 copies of this Order to all counsel of record.

22 DATED October 20, 2019.

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26 HONORABLE JENNIFER A. DORSEY
27 UNITED STATES DISTRICT JUDGE
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